

1 for DAC

Attorney Docket No.: 6730.008.NPUS01

**PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Danielsson, et al. Group Art Unit: 2855
Serial No.: 09/683,769 Confirmation No. 7865
Date Filed: February 12, 2002 Examiner: NOORI, Max H.
For: COLLIMATOR ARRANGEMENT


Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.137(b)

This is a **RENEWED PETITION UNDER 37 CFR 1.137(b)** for reconsideration of the Decision on Petition mailed December 15, 2008, in the above-captioned case.

CERTIFICATE of TRANSMISSION/MAILING

I hereby certify that this correspondence and all attachments and accompanying documents are being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in and envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 15 July 2009.


Tracy W. Druce

The prior petition has been dismissed and additional information has been requested. In view thereof, the undersigned representative states the following:

The instant patent application was filed by myself on February 12, 2002 while working at the law firm of Howrey Simon Arnold & White LLP.

According to the Image File Wrapper and my office file, the first substantive Office Action issued October 20, 2003 and was mailed to Howrey Simon Arnold & White, LLP, 1299 Pennsylvania Ave., NW, Box 34, Washington, DC 20004 where it was received October 22, 2003 (See Exhibit A).

According to my office file, a Reply to that first substantive Office Action was filed January 20, 2004, together with a return receipt post card. (See Exhibit B).

According to my office file, the return receipt post card stamped to evidence the Office's receipt of said Reply on January 20, 2004 was returned. (See Exhibit C).

In the first half of 2004, I left the law firm of Howrey Simon Arnold & White LLP. For a period thereafter, I utilized my address at 1496 Evans Farm Drive in McLean, Virginia for PTO correspondence. It is to this address that the Image File Wrapper indicates that a Notice of Abandonment was mailed July 23, 2004. (See Exhibit D).

According to my office file, the Notice of Abandonment was not received.

Therefore, given the presence of the properly notated return post card, and nothing in contravention thereof, I continued to believe that the application was pending.

In or about December 2005 it was discovered that the Patent Office was not indicating receipt of the January 20, 2004 Reply and had in fact issued the Notice of Abandonment.

Responsively, on December 21, 2005, I fax-filed a copy of the delivery certified Reply, together with the properly notated return receipt post card. (See Exhibit E). In the Remarks section of the Transmittal Form, I stated that "[i]t has been noted that the Office does not indicate receipt of the attached Reply, with which the stamped, return receipt post card has been included. Therefore, it is respectfully requested that the abandonment of the application be withdrawn and the application forwarded for further examination."

Referring to the Office's reference to MPEP 711.03(c) in the Decision, I note that it is prescribed that "applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt."

The Office has stated that it considered the fax-filing as a petition under 37 CFR 1.181. As such, it has been, and continues to be Applicant's position that based thereupon, the holding of abandonment in the instant application should be withdrawn. Furthermore, this is substantially identical to a similar situation experienced by the undersigned, but in which the Office granted the petition under 37 CFR 1.181 and dismissed an accompanying petition under 37 CFR 1.137(b) as moot. Therein it is noted that a "postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503." (See Exhibit F).

In view of the above, regarding the first time period required to be explained concerning delay; i.e., in filing the reply that originally resulted in the abandonment - - there was no delay as applicant has provided *prima facie* evidence of timely receipt of the Reply by the Office. Regarding the second and third time periods required to be explained concerning delay; i.e., filing an initial petition to return the application to pending status *and* filing of a grantable petition to revive the application - - it is respectfully asserted that the fax-filed petition accepted under 37 CFR 1.181 satisfied both as explained and supported hereinabove.

As admonished by the Office, applicant has reviewed the filed Reply to the October 20, 2003 non-final Office action and is satisfied that it is proper.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees, including extension fees and those others under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 6730.008.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Novak Druce + Quigg LLP
1000 Louisiana, Fifty-Third Floor
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
ken.fagin@novakdruce.com

Respectfully submitted,



Tracy W. Druce
Reg. No. 35,493

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,769	02/12/2002	Mats Danielsson	47865.255903	7865

28694 7590 10/20/2003

HOWREY SIMON ARNOLD & WHITE LLP
1299 PENNSYLVANIA AVE., NW
BOX 34
WASHINGTON, DC 20004

EXAMINER

NOORI, MAX H

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 10/20/2003

Non-Final due 1/20/04

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
DOCKET DEPT.
HOWREY SIMON ARNOLD & WHITE
OCT 22 2003
WASHINGTON, D.C.

DOCKETED
Stmm 10/22/03

Office Action Summary

Application No.

09/683,769

Applicant(s)

DANIELSSON ET AL.

Examiner

Max Noori

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gur et al., in view of Edic et al.

Regarding claim 1, 2, and 6 Gur et al., discloses a collimated radiation apparatus for mammography with features of the claimed invention including an x-ray source, an x-ray image receiver from the source, and a beam collimator positioned between the source and means for compressing tissue. Gur et al., does not disclose the displacement of the collimator between two positions. Utilization of a movable collimator for general enhancement of radiation results, however, is notoriously known. Edic et al., for example is presented to show such assertion. Edic et al., discloses a method and apparatus for scanning an object teaching the use of a movable collimator plate in various positions where no x-ray exposure is conducted to a position before x-ray exposure is initiated. Therefore, it would have been obvious to one having ordinary

Art Unit: 2855

skill in the art at the time the invention was made to modify Gur et al., using the teaching of Edic et al., to make provision for the motion of the collimator in order to generally reduce the contribution of the scattering signals and for the reasons presented in Edic et al., col. 1.

Regarding claim 3-5, Edic et al., discloses the motion in various directions.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (703) 308-5248. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax number for this group is (703) 308-7382.

MHN

Thursday, October 09, 2003

MAX NOORI
PRIMARY EXAMINER

U.S. Department of Commerce
Patent & Trademark OfficeAtty. Docket No.
47865/255903Serial No.
09/683,769INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)

Applicant

Mats DANIELSSON, et al.

Filing Date
February 12, 2002Group
285
2882

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)
MW	5,627,869	5/6/97	Andrew, et al.	378	97	11/22/95

FOREIGN PATENT DOCUMENTS

MW	EP 1 120 086 A1	8/1/2001	Quanta Vision, Inc.	A61B	6/02	9/13/99
↓	EP 0 426 285 A1	5/8/91	General Electric Company	A61B	6/00	9/5/90
↓	EP 0 417 965 A2, A3	3/20/91	General Electric Company	A61B	6/06	9/5/90

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

Notice of References Cited

Application/Control No.

09/683,769

Applicant(s)/Patent Under
Reexamination
DANIELSSON ET AL.

Examiner

Max Noori

Art Unit

2855

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,203,037	05-1980	Gur et al.	378/37
	B	US-4,375,695	03-1983	Harding et al.	378/6
	C	US-4,389,729	06-1983	Stein, Jay	378/98.2
	D	US-4,493,098	01-1985	Riihimaki et al.	378/146
	E	US-6,115,447	09-2000	Hsieh, Jiang	378/19
	F	US-6,175,609	01-2001	Edic et al.	378/7
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EXHIBIT B

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

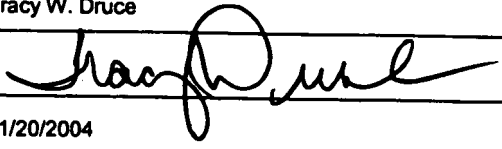
Approved for use through 10/31/2002. OMB 0651-0031

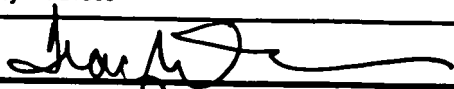
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/683,769	
	Filing Date	12/12/2002	
	First Named Inventor	DANIELSSON	
	Group Art Unit	2855	
	Examiner Name	NOORI	
Total Number of Pages in This Submission		Attorney Docket Number	06730.0008.NPUS01

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Proposed Amended Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Request for Declaration/Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	HOWREY SIMON ARNOLD & WHITE, LLP Tracy W. Druce
	
Date	01/20/2004

CERTIFICATE OF HAND DELIVERY			
I hereby certify that this correspondence is being delivered to the United States Patent and Trademark Office, Alexandria, VA 22313-1450 on: 20 JAN 2004.			
Typed or printed name	Tracy W. Druce		
Signature		Date	01/20/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
DANIELSSON, Mats *et al.*

Serial No.: 09/683,769

Confirmation No.: 7865

Filed: February 12, 2002

For: COLLIMATOR ARRANGEMENT

Group Art Unit: 2855

Examiner: NOORI, Max H.

Atty. Dkt. No.: 06730.0008.NPUS01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION

INTRODUCTORY COMMENTS:

The following is in response to the non-final Office Action dated October 20, 2003.

AMENDMENT TO THE TITLE:

Please amend the title of the invention as follows:

TWO POSITION COLLIMATOR ARRANGEMENT

AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. (Currently Amended) A beam collimator arrangement for scanned-slot mammography ~~having~~ comprising at least one collimator or several collimators in an x-ray apparatus, said arrangement comprising:

an x-ray source;

an x-ray image receiver positioned to receive x-rays from the x-ray source;

a compressor for compressing a female breast to be examined, said compressor being positionable between the x-ray source and the x-ray image receiver; and

a said beam collimator positioned between the x-ray source and the means compressor for compressing tissue, wherein said beam collimator arrangement is being arranged on a carrying structure to that displaces ~~displace~~ the beam collimator arrangement between a first position when no x-ray exposure is conducted and a second position before x-ray exposure is initiated, and wherein said first position is vertically and horizontally displaced with respect to the second position.

2. (Currently Amended) The beam collimator arrangement of claim 1, wherein said second position is within a substantially short distance from said compressor.

3. (Currently Amended) The beam collimator arrangement of claim 1, wherein said ~~displacement~~ is in the lateral direction first position is located vertically above the second position.

4. (Cancelled)

5. (Cancelled)

6. (Currently Amended) A mammography apparatus comprising:

an X-ray source;

an X-ray image receiver positioned to receive X-rays from the X-ray source;

first and second means for compressing tissue, the means being positionable between the X-ray source and the X-ray image receiver and wherein the means further providing a compression surface of predetermined dimensions;

a beam collimator positioned between the X-ray source and the means for compressing tissue; characterized in that said apparatus further comprises means for displacing said beam collimator arrangement to displace the beam collimator arrangement between a first position when no x-ray exposure is conducted and a second position before x-ray exposure is initiated and that the first position is vertically and horizontally displaced with respect to said second position.

REMARKS:

REMARKS REGARDING CLAIM AMENDMENTS AND EXAMINER'S REJECTIONS:

Claims 1-3 and 6 have been amended and claims 4 and 5 cancelled.

IN RESPONSE TO THE OFFICE ACTION:

FIRST REJECTION UNDER 35 U.S.C. § 103:

Claims 1-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gur et al. (US 4203037) in view of Edic et al. (US 6175609).

Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of the following:

Both independent claims 1 and 6 have been amended to clarify that the displacement of the beam collimator arrangement between the first and second positions is both vertical and horizontal (i.e. at least two dimensional). It is clear that Gur ' 037 (see especially Figs. 1 and 1a) has two collimator means 10 and 12 that longitudinally translate together (i.e. in one dimension only). Moreover, there is no teaching, suggestion or disclosure supporting the combination of Gur ' 037 with any reference that would include both vertical and horizontal motion.

A similar finding is made in Edic et al. '609 where one dimensional collimator movement is disclosed at col. 2, lines 33-52:

Collimator 76 is configured to move relative to detector array 74 and includes a collimator plate 84 fabricated from x-ray attenuating material and having a plurality of slits, or openings, 86 therein. . . Collimator plate 84 is movable in the z-direction between first and second positions. Collimator manipulator 110 is configured (for example, with electromechanical devices such as motors coupled to drive the collimator plate along tracks aligned with collimator plate axis 130) between a first position 10, a plurality of intermediate positions 15 (illustrated in FIG. 3 as a region in which the collimator plate 84 at least partially overlies the detector array 74), and a second position 20.

Therefore, in view of the descriptions found in both Gur ' 037 and Edic et al. '609 there is no disclosure, teaching or suggestion either singly, or in combination, of a vertically and horizontally displaced collimator as presently claimed.

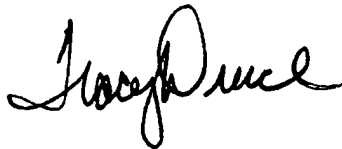
Given the above, Applicant requests that the rejection of claims 1-3 and 6 under 35 U.S.C. §103(a) be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 06730.0008.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy W. Druce". The signature is fluid and cursive, with the first name "Tracy" being more prominent.

Tracy W. Druce
Patent Attorney
Reg. No. 35,493
Tel. 202.383.7398

EXHIBIT C

Applicant: Mats DANIELSSON *et al.*
Filed: 02/12/2002
SN: 09/683,769
For: COLLIMATOR ARRANGEMENT

Date: 01/20/2004

Docket No. 06730.0008.NPUS01

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Please place the U.S. Patent & Trademark Office receipt stamp hereon
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1. Transmittal Letter;
2. Response to OFFICE ACTION; and
3. Return Postcard.

Return to: Daniel Hernandez

Applicant: Mats DANIELSSON *et al.*
Filed: 02/12/2002
SN: 09/683,769
For: COLLIMATOR ARRANGEMENT

Date: 01/20/2004

Docket No. 06730.0008.NPUS01

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Please place the U.S. Patent & Trademark Office receipt stamp hereon
to acknowledge receipt of the following:

1. Transmittal Letter;
2. Response to OFFICE ACTION; and
3. Return Postcard.

Return to: Daniel Hernandez



EXHIBIT D



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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,769	02/12/2002	Mats Danielsson	47865.255903	7865
28694	7590	07/23/2004	EXAMINER	
TRACY W. DRUCE, ESQ. 1496 EVANS FARM DR MCLEAN, VA 22101			NOORI, MAX H	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/683,769

Examiner

Max Noori

Applicant(s)

DANIELSSON ET AL.

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 10/17/03.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



**MAX NOORI
PRIMARY EXAMINER**

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT E

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FAX COVER SHEET

TO	Commissioner for Patents
COMPANY	US Patent & Trademark Office
FAX NUMBER	15712738300
FROM	NOVAK DRUCE & QUIGG, LLP
DATE	2005-12-22 00:36:26 GMT
RE	Application No. 09/683,769 - Our 6730.008

COVER MESSAGE

Please see our attached communication (9 total sheets).
Thank you,

-NOVAK DRUCE & QUIGG, LLP

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PTO/SB/21 (08-00)

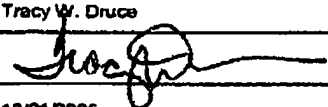
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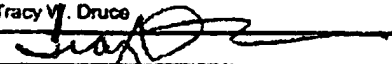
Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/883,789
	Filing Date	12/12/2002
	First Named Inventor	DANIELSSON
	Group Art Unit	2855
	Examiner Name	NOORI
Total Number of Pages in This Submission	Attorney Docket Number	08730.0008.NPUS01

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Proposed Amended Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Request for <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p align="center">- Copy of Previous Reply, including return receipt</p>		
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Remarks</td> <td> It has been noted that the Office does not indicate receipt of the attached Reply, with which the stamped, return receipt post card has been included. Therefore, it is respectfully requested that the abandonment of the application be withdrawn and the application forwarded for further examination. </td> </tr> </table>			Remarks	It has been noted that the Office does not indicate receipt of the attached Reply, with which the stamped, return receipt post card has been included. Therefore, it is respectfully requested that the abandonment of the application be withdrawn and the application forwarded for further examination.
Remarks	It has been noted that the Office does not indicate receipt of the attached Reply, with which the stamped, return receipt post card has been included. Therefore, it is respectfully requested that the abandonment of the application be withdrawn and the application forwarded for further examination.			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm or Individual name	NOVAK DRUCE & QUIGG, LLP Tracy W. Druce			
				
Date	12/21/2005			

CERTIFICATE OF TRANSMISSION			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in and envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>12/21/2005</u> .			
Typed or printed name	Tracy W. Druce		
Signature		Date	12/21/2005

Applicant: Mats DANIELSSON et al.
Filed: 02/12/2002
S#: 09/683,769
For: COLLIMATOR ARRANGEMENT

Date: 01/20/2004

Docket No. 06730.0008.NPUS01

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Please place the U.S. Patent & Trademark Office receipt stamp hereon
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2. Response to OFFICE ACTION; and
3. Return Postcard.

Return to: Daniel Hernandez

Applicant: Mats DANIELSSON et al.
Filed: 02/12/2002
S#: 09/683,769
For: COLLIMATOR ARRANGEMENT

Date: 01/20/2004

Docket No. 06730.0008.NPUS01

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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PTO/SB/21 (08-00)


Approved for use through 10/31/2002. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/683,769
	Filing Date	12/12/2002
	First Named Inventor	DANIELSSON
	Group Art Unit	2856
	Examiner Name	NOORI
Total Number of Pages in This Submission	Attorney Docket Number	06730.0008.NPUS01

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Proposed Amended Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Request for <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	HOWREY SIMON ARNOLD & WHITE, LLP Tracy W. Druce
	
Date	01/20/2004

CERTIFICATE OF HAND DELIVERY			
I hereby certify that this correspondence is being delivered to the United States Patent and Trademark Office, Alexandria, VA 22313-1450 on: 20 JAN 2004.			
Typed or printed name	Tracy W. Druce		
Signature		Date	01/20/2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
DANIELSSON, Mats *et al.*

Serial No.: 09/683,769

Confirmation No.: 7865

Filed: February 12, 2002

For: COLLIMATOR ARRANGEMENT

Group Art Unit: 2855

Examiner: NOORI, Max H.

Atty. Dkt. No.: 06730.0008.NPUS01

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-FINAL OFFICE ACTION

INTRODUCTORY COMMENTS:

The following is in response to the non-final Office Action dated October 20, 2003.

Serial No.: 09/683,769

Confirmation No.: 7865

Applicant: DANIELSSON, Mats *et al.*

Atty. Ref.: 06730.0008.NPUS01

AMENDMENT TO THE TITLE:

Please amend the title of the invention as follows:

TWO POSITION COLLIMATOR ARRANGEMENT

AMENDMENTS TO THE CLAIMS:

Please amend the claims as follows:

1. (Currently Amended) A beam collimator arrangement for scanned-slot mammography ~~having comprising at least one collimator or several collimators~~ in an x-ray apparatus, said arrangement comprising:

an x-ray source;

an x-ray image receiver positioned to receive x-rays from the x-ray source;

a compressor for compressing a female breast to be examined, said compressor being positionable between the x-ray source and the x-ray image receiver; and

a said beam collimator positioned between the x-ray source and the means-compressor for compressing tissue, wherein said beam collimator arrangement is-being arranged on a carrying structure to-that displaces displacee-the beam collimator arrangement between a first position when no x-ray exposure is conducted and a second position before x-ray exposure is initiated, and wherein said first position is vertically and horizontally displaced with respect to the second position.

2. (Currently Amended) The beam collimator arrangement of claim 1, wherein said second position is within a substantially short distance from said compressor.

3. (Currently Amended) The beam collimator arrangement of claim 1, wherein said ~~displacement is in the lateral direction~~ first position is located vertically above the second position.

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Confirmation No.: 7865
Applicant: DANIELSSON, Mats *et al.*
Atty. Ref.: 06730.0008.NPUS01

4. (Cancelled)

5. (Cancelled)

6. (Currently Amended) A mammography apparatus comprising:

an X-ray source;

an X-ray image receiver positioned to receive X-rays from the X-ray source;

first and second means for compressing tissue, the means being positionable between the X-ray source and the X-ray image receiver and wherein the means further providing a compression surface of predetermined dimensions;

a beam collimator positioned between the X-ray source and the means for compressing tissue; characterized in that said apparatus further comprises means for displacing said beam collimator arrangement to displace the beam collimator arrangement between a first position when no x-ray exposure is conducted and a second position before x-ray exposure is initiated and that the first position is vertically and horizontally displaced with respect to said second position.

Serial No.: 09/683,769
Confirmation No.: 7865
Applicant: DANIELSSON, Mats *et al.*
Atty. Ref.: 06730.0008.NPUS01

REMARKS:

REMARKS REGARDING CLAIM AMENDMENTS AND EXAMINER'S REJECTIONS:

Claims 1-3 and 6 have been amended and claims 4 and 5 cancelled.

IN RESPONSE TO THE OFFICE ACTION:

FIRST REJECTION UNDER 35 U.S.C. § 103:

Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gur *et al.* (US 4203037) in view of Edic *et al.* (US 6175609).

Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of the following:

Both independent claims 1 and 6 have been amended to clarify that the displacement of the beam collimator arrangement between the first and second positions is both vertical and horizontal (i.e. at least two dimensional). It is clear that Gur ' 037 (see especially Figs. 1 and 1a) has two collimator means 10 and 12 that longitudinally translate together (i.e. in one dimension only). Moreover, there is no teaching, suggestion or disclosure supporting the combination of Gur ' 037 with any reference that would include both vertical and horizontal motion.

A similar finding is made in Edic *et al.* '609 where one dimensional collimator movement is disclosed at col. 2, lines 33-52:

Collimator 76 is configured to move relative to detector array 74 and includes a collimator plate 84 fabricated from x-ray attenuating material and having a plurality of slits, or openings, 86 therein. . . Collimator plate 84 is movable in the z-direction between first and second positions. Collimator manipulator 110 is configured (for example, with electromechanical devices such as motors coupled to drive the collimator plate along tracks aligned with collimator plate axis 130) between a first position 10, a plurality of intermediate positions 15 (illustrated in FIG. 3 as a region in which the collimator plate 84 at least partially overlies the detector array 74), and a second position 20.

Serial No.: 09/683,769
Confirmation No.: 7865
Applicant: DANIELSSON, Mats *et al.*
Atty. Ref.: 06730.0008.NPUS01

Therefore, in view of the descriptions found in both Gur ' 037 and Edic et al. '609 there is no disclosure, teaching or suggestion either singly, or in combination, of a vertically and horizontally displaced collimator as presently claimed.

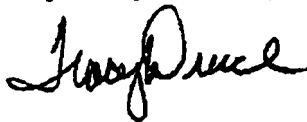
Given the above, Applicant requests that the rejection of claims 1-3 and 6 under 35 U.S.C. §103(a) be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 06730.0008.NPUS01.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



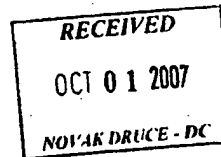
Tracy W. Druce
Patent Attorney
Reg. No. 35,493
Tel. 202.383.7398

EXHIBIT F



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WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of :
Ihonen, et al. :
Application No. 10/248,304 : ON PETITION
Filed: January 7, 2003 :
Attorney Docket No. 7589.080.PCUS00 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, or in the alternative to revive under 37 CFR 1.137(b), filed September 5, 2007.

The petition under 37 CFR 1.181 is GRANTED.

The petition under 37 CFR 1.137(b) is DISMISSED as moot.

This application was held abandoned for failure to timely file a reply to the Notice of Non-Compliant Amendment mailed April 21, 2005. This Notice set an extendable period for reply of one (1) month. No reply having been received, the application became abandoned on May 22, 2005. The Office mailed a Notice of Abandonment on January 25, 2006.

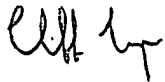
Petitioner contends that he did timely file the issue fee. In support, petitioner has included a copy of a USPTO date stamped postcard receipt dated May 21, 2005, and itemizing a corrected response to Office action.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to Group Art Unit 1745 for consideration of the response filed May 21, 2005 (as shown by the postcard receipt), a copy of which was supplied on January 8, 2006.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions